

PETERSEN RANCH MITIGATION BANK IRT MEETING NOTES

Project: Petersen Ranch Mitigation Bank [USACE: SPL-2012-00669, CDFW: 1798-2013-04-R5]

Meeting Date: 6-1-2015, 10:30 a.m. - 12 p.m.

Purpose of Meeting: To discuss the remaining issues that need to be addressed prior to BEI re-submittal.

Meeting Notes:

Casualty Insurance:

Sponsor provided Corps staff with 2 hard copies of the Casualty Insurance proposal that included responses to questions previously provided by the Corps regarding casualty insurance. Sponsor said that their legal counsel spoke with Corps legal counsel regarding the status of getting Casualty Insurance on the agenda for the PDT. Corps legal counsel indicated that Corps staff needs to officially provide Corps legal Counsel with the proposal, and needs authorization from the District Chief to put the proposal in front of the PDT. AA indicated he would initiate this process and let us know when is the earliest date that the PDT can discuss the subject.

Exclusion Areas:

Sponsor indicated that the groundwater exclusion area, which ~~that~~ was adjacent to the rift valley, has been removed from the proposal. CDFW indicated that for the remaining exclusion areas, they would like to see annual inspections along the perimeter of those areas, to ensure no indirect impacts on the surrounding Bank habitats. Sponsor's legal counsel highlighted the legal mechanisms that are already in place through recordation of the Conservation Easement and execution of the BEI, that-which thoroughly and adequately protect the Bank's resources. CDFW agreed that the CE does protect the bank's resources, but indicated that without monitoring, they may not know if those resources are being compromised. Sponsor's team suggested that the Long-term Management Plan and endowment include a task for annual monitoring of the habitat adjacent to each exclusion area to identify any direct/indirect effects that have the potential to degrade the quality of the Bank's resources. The IRT agreed that this could satisfy their concerns, but that the LTMP will include a provision stating that each exclusion area will be monitored and reported upon annually to assess potential "edge" effects.

USFS Road Easement:

IRT requested a formal letter from USFS regarding the easement and the USFS intent to process the relocation to the proposed new alignment. In the event a letter cannot be obtained from the USFS, a legal opinion from the Sponsor's legal counsel may suffice. The letter should include the potential for relocating the easement, should reference the USFS decommissioned roads policy, and the intended use that is allowed or expected under the existing easement. Sponsor indicated that the current proposal is to exclude both the existing and the proposed alignments from crediting. Note that the existence of the easement (at both locations) does not conflict with the restoration because both are paper easements only, and not an official road as designated on the USFS Motor Vehicle Use Map. The unofficial road terminates at the Elizabeth

Lake Property and the USFS has installed permanent barricades that are intended to block any motor vehicle use where the easement intersects Elizabeth Lake Road.

([HYPERLINK "http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5326699.pdf"])

404 Service Area:

Sponsor presented the most recent Service Area figure that excluded the Ventura River and western portions of the Calleguas watersheds. Corps staff approved the service area as depicted.

Tri-colored Blackbird:

CDFW indicated that they would not be willing to entertain foraging habitat credits at this time since, given the recent listing, the method for requiring foraging habitat is unclear. CDFW also indicated that breeding habitat credits could be awarded if the Petersen Ranch pond was managed through an obligation to fill with water during dry periods and monitor population numbers. CDFW also indicated they would not entertain breeding habitat for the marsh on Elizabeth Lake, despite occurrences because they had not been observed in the last couple of years. Sponsor indicated Tri-colored Blackbird would be dropped entirely from the proposal, as the small acreage of the Petersen TCBB pond is not worth the effort/expense. TCBB habitat will still be managed and monitored for conditions requiring adaptive management, but population numbers will not be included as a task in the LTMP.

Credits:

Ex. 4 CBI

Next Steps:

A target schedule for submittal and review of the BEI was established and it was determined that the Sponsor would send the various exhibits to the IRT for review once they are completed. Corps staff will get back to the Sponsor by June 22, regarding the crediting proposal and the revised BEI is expected to be complete and fully submitted by July 8, 2015, and ultimately signed by the end of August. Attached is the timeline agreed upon during the IRT meeting.